

**PLANNING COMMISSION
CITY OF ST. GEORGE
WASHINGTON COUNTY, UTAH
October 28, 2014 – 5:00 PM**

MINUTES APPROVED
By: RO WILKINSON
Seconded: DIANE ADAMS
Date: 8/24/15

PRESENT:

Chair Ross Taylor
Commissioner Ro Wilkinson
Commissioner Don Buehner
Commissioner Julie Hullinger
Commissioner Diane Adams
Commissioner Todd Staheli
Council Member Joe Bowcutt

CITY STAFF:

Assistant Director of Public Works Wes Jenkins
Community Development Coordinator Bob Nicholson
Planning Manager John Willis
Planner II Ray Snyder
City Surveyor Todd Jacobsen
Assistant City Attorney Victoria Hales
Planning Associate Genna Singh

EXCUSED:

Commissioner Nathan Fisher

FLAG SALUTE

Chairman Ross Taylor called the meeting to order at 5:00 pm and asked Councilman Joe Bowcutt to lead the flag salute.

1. **FINAL PLATS (FP)**

- A. Consider approval of a final plat for **“Desert Edge Phase 2”** a thirty (30) lot residential subdivision. The representative is Mr. Brad Petersen, Development Solutions. The property is zoned PD-R (Planned Development Residential) and is located at the southeast corner of Deserts Edge Drive and Broke Mesa Drive (at approximately 3500 East & 6100 South). Case No. 2014-FP-065. (Staff – Todd J.).

Todd Jacobsen presented the item with no comments.

- B. Consider approval of a final plat for **“Desert Plateau Phase 2”** a ten (10) lot residential subdivision. The representative is Mr. Brad Petersen, Development Solutions. The property is zoned PD-R (Planned Development Residential) and is located on the east side of Deserts Edge Drive at Chimney Rock Road (at approximately 3380 East and 6230 South). Case No. 2014-FP-069. (Staff – Todd J.).

Todd Jacobsen presented the item with no comments.

- C. Consider approval of a final plat for “**Escapes at the Ledges Phase 2**” a twenty-one (21) unit residential subdivision plat. The representative is Mr. Brad Petersen, Development Solutions. The property is zoned PD-R (Planned Development Residential) and is located easterly of the East Ledges Round-A-Bout and Ledges Parkway (in the Ledges Development at approximately 5000 North and 1720 West). Case No. 2014-FP-064. (Staff – Todd J.).

Todd Jacobsen presented the item with no comments.

- D. Consider approval of a final plat for “**Fieldstone Phase 1**” a twenty-five (25) lot residential subdivision plat. The representative is Mr. Brad Petersen, Development Solutions. The property is zoned R-1-10 (Single Family Residential 10,000 square foot minimum lot size) and is located on the south side of Crimson ridge Drive at 2240 East Street (in the Little Valley area). Case No. 2014-FP-068. (Staff – Todd J.).

Todd Jacobsen presented the item with no comments.

Victoria Hales added that the items are subject to legal.

MOTION: Commissioner Ro Wilkinson 1A, 1B, 1C, and 1D with legal counsel.

SECONDED: Commissioner Todd Staheli seconded the motion.

AYES (6)

Commissioner Ro Wilkinson

Commissioner Don Buehner

Chair Ross Taylor

Commissioner Diane Adams

Commissioner Julie Hullinger

Commissioner Todd Staheli

NAYS (0)

Motion passes.

- E. Consider approval of a final plat for “**Legends of Cactus Flats**” a twelve (12) lot residential subdivision. The representative is Mr. Roger Bundy, R & B Surveying. The property is zoned R-1-10 (Single Family Residential 10,000 square foot minimum lot size) and is located at approximately 2300 South and 2010 East Street (north of the LDS Church at 2079 East 2450 South Street). Case No. 2014-FP-030. (Staff – Wes J. for Todd J.).

Note: This item was previously tabled at the Sept. 16th and Oct. 14th PC meetings.

Wes Jenkins showed a power point regarding this plat.

Wes Jenkins explained:

They will slope 2:1 to the proposed pad elevation. The slope will go down to the existing wall and will not impose on the existing wall. As far as drainage, anything that comes off of the slope will come to the wall and drain toward the walkout basement lot. The other lots are now slab on grade and no longer walk out. The two pads will have a small berm at the top of the

slope. Any drainage that falls on those pads until developed will flow north to the street so it won't go against the church wall. They realize there is a slope to the wall so they propose to excavate small detention areas. That will keep the water away from the wall. The engineer has sized these to hold the amount of water to fall in a 100 year storm. The developer is not proposing retaining walls he would rather slope down and let the home owner build the walls if desired. There is a note on the plat that with each lot there will be a drainage and grading plan. That will be required with each building permit for those lots. That has to show how they'll take care of their water to not impact others. We will also put a note restating the wall ordinance stating the 8' height restriction unless stepped back.

Commission Don Buehner asked that Wes repeat the privacy wall note.

Wes Jenkins said you can go 8' on a retaining wall. If you want a privacy wall then you have to set it back from the retaining wall half the height of the retaining wall. So the privacy wall would have to be set back 4' from the retaining wall so you don't have a large wall. If you go to 8' you can put a wall on top if it is 50% open.

Commissioner Don Buehner asked that the retaining be restated.

Wes Jenkins responded that he'll pass those walls onto the home owners. They can either keep the slope or retain the dirt themselves.

Commissioner Diane Adams asked if the water retention is that underground.

Wes Jenkins said no. It will be a small detention area. The property owner is responsible so it's the developer's responsibility until the lots are sold.

Councilman Joe Bowcutt asked if the water goes out to the street from the basement lots.

Wes Jenkins responded that it will go down the slope and the grading will make it go out to the street.

Councilman Joe Bowcutt asked if a storm drain is involved.

Wes Jenkins said no, just the street. As the lots are developed they'll have to show a permanent solution.

Commissioner Diane Adams asked if lot 10 will have a walkout basement.

Wes Jenkins said it will.

Commissioner Diane Adams noted that half of it abuts to lot 9.

Wes Jenkins said a portion will be there and against lot 9.

Commissioner Diane Adams asked if any lots have been pre sold.

Wes Jenkins responded that they haven't sold yet.

Commissioner Diane Adams asked if the berm is dirt.

Wes Jenkins replied yes it is dirt. It's just to make the water not drain on someone else's property. We're looking to revise our standards to require berms on the edges of pads when graded so the water is kept on the lot or brought to the street.

Commissioner Don Buehner asked if this is an amendment to a final plat.

Wes Jenkins answered no; it's an amendment to what was approved as the preliminary plat and construction drawings.

Commissioner Todd Staheli asked if the elevations on the preliminary plat are the same.

Wes Jenkins said the elevations were lower on the preliminary plat. The hope is that as they come in and build they will back fill and lower the elevation the lots.

Assistant City Attorney Victoria Hales asked staff to clarify what the Commission is voting on.

Wes Jenkins said this was tabled.

Assistant City Attorney Victoria Hales asked if the item is an amended preliminary plat.

Wes Jenkins said no, this is a tabled final plat. The final plat was tabled because it had changed from the preliminary and construction drawings. No lot sizes have changed, only the walk out basements.

Assistant City Attorney Victoria Hales clarified that the drainage, elevations, and walk out basements have changed.

Commissioner Diane Adams asked if this item has been reviewed by legal.

Assistant City Attorney Victoria Hales said legal has discussed the item but it has not yet been approved by legal.

Commissioner Diane Adams noted that this would be subject to legal.

Chair Ross Taylor stated that the developer is here so we'll let him address this item. Most of the letters received were in regard to privacy. There is nothing in land use that pertains to privacy. That issue cannot be an area of focus for us. We can look at drainage and other issues that may impact the neighbors or developer.

Commissioner Ro Wilkinson explained that they can push through that wall and they can build above you and look onto your property.

Chair Ross Taylor said he is concerned about the dirt that was built up. I looked today and it looks like the dirt has been moved however there is still 2-3 feet of dirt built up.

Glen Bundy (applicant) said he doesn't know that is accurate.

Chair Ross Taylor countered that he had visited the site today.

Glen Bundy replied that he told the crew to go down to the footing. If that wasn't done it should have been done yesterday.

Chair Ross Taylor asked how you'll keep the dirt from sloping back down into that wall. If someone walks on the hill that dirt will fall and impose a load on that wall again.

Glen Bundy said he had looked at that as well and thought about putting concrete walls up; the expense is too great.

Chair Ross Taylor noted that not every person who buys a lot will put in a wall.

Glen Bundy said, I don't know what to tell you there.

Chair Ross Taylor said it makes it an iffy situation if there's not a sure plan that secures the existing fence.

Glen Bundy said we'll need to put in some fences.

Commissioner Don Buehner asked what the purpose is of the changed elevations.

Glen Bundy deferred that question to his engineer.

Commissioner Don Buehner said he understands walk out versus two story homes but I don't get why the elevation was raised unless it was for view or something else.

Glen Bundy responded that it was for balancing dirt and what we had. We had excess dirt so we used the lots for elevation to balance the dirt and to not have to haul the dirt out.

Paul Blackmore said we did adjust the grades because we had more dirt than expected. We put in daylights because we didn't think we would have enough dirt. As for the slopes, I checked with a geotech and asked what a stable slope would be. He told me 2:1 would be the best. Before we are done we will make sure that the slope is truly 2:1. We understand that the dirt can sluff with rain or with foot traffic and it will be maintained. When someone comes in to

build the home I foresee them fixing the slope and addressing the walls with their site plans during the building permit process. I have walked the edges and there are some tricky situations that will be in the disclosures for each lot so people know what they have to address. Lot 7 on the southwest corner has an existing retaining wall and privacy wall. Any wall we put in has to be below that so we don't push on it. That note is in our disclosure. We cannot afford the walls at this time so we're opting for a stable slope. Yesterday when I left the site we had the preliminary slopes and detention areas done. We are making sure that the slope is stable. I did the hydrology calculations and assumed a 100 year event would hold. We had two storms earlier this year and one happened before any grading happened on the west side. Historically the low spot of this area came through our west boundary. One reason we made the lots high was so the flow from the subdivision to the west doesn't impose hardship on those lots. Based on the numbers we would get water in the detentions we build and the traditional flow would now go out to the road. By the time we have approval from the City it will be easy to monitor and will be something that is stable. Buyers do have the option to re-grade and/or put in a wall. We put in our disclosures a buyers choices and make sure they know what ordinances apply to them.

Chair Ross Taylor opened the item to the public.

Darren Ware – Skyline Estates lot 21

As it currently stands, all of the water that comes off the slopes drains to my corner. It sifts through my existing retaining wall. I have installed 5 drains in my yard and maintain those to keep the mud out and then the water goes out to the curb. I appreciate the thought of drainage but a 1" rainstorm would be 4,000 gallons of water. If my wall fails my drainage won't keep up. The maintenance on these will be every storm to clear mud and weeds. My concern is that we get the 3" rainstorm.

Paul Blackmore responded that we'll go out to his property and make sure it works. A developer is responsible for their water. This developer is getting water that they shouldn't in the first place. If we need to modify our numbers and detention we will.

Commissioner Todd Staheli asked that when a homeowner re-grades the lot and puts in fencing, what is the cost?

Paul Blackmore said that a home owner will pay per their design. The cost of the walls and such the home owner can decide. If I were to live on lot 12 I would have a tri-level. If they choose an 8' high wall they would have to get the bid. We do have some preliminary designs that they can use but I don't have a number for you. When the site was graded we compacted the pads. The extra dirt is designed to go behind the wall. It proved to be easier to compact than it was leave a pile of dirt.

Commissioner Diane Adams asked if the extra dirt will back fill a retaining wall.

Paul Blackmore said there is the pad and then the 2:1 slope with varying distances to the wall. If I were to buy lot 12 and wanted a maximum height wall; that wall could be 8' with 50% see through additional on top or stepped back. To step that back there needs to be dirt to fill the 4' step.

Scott Lindsay -

One concern I had was privacy but I'll move away from that. These are going to be smaller lots so most of us will have to deal with two different contractors. Why did the elevation change? Drainage still would have been an issue but now there's a height issue. We don't know when these

lots will sell. There will be sluffage and there is dirt along my wall as it is. It's not a big issue but it is a concern as these walls are for privacy. Some of these lots are 1' or higher than the existing wall and that's the starting point. That is why we're having a hard time understanding how this was allowed.

Commissioner Don Buehner clarified that it wasn't approved. It was done. It was something that has changed since the preliminary plat. They are looking for a final approval tonight with that change.

Scott Lindsay said there was a perfectly good privacy wall there so why now do we have to have a drainage issue and need more fencing. We have no idea what is going to happen in the future.

Paul Blackmore said the low spot on this was the property line on the west. There was an elevation there that we had to hold. We had to maintain the road and sewer elevations there.

Councilman Joe Bowcutt asked which road the sewer goes to.

Paul Blackmore replied that the sewer goes to the south side of the property and we have stubs to the north and to the east.

Commissioner Don Buehner said it runs to 2450 South to the south.

Paul Blackmore stated that there is sewer in Harvest Hills and we stubbed up for the future and our subdivision.

Councilman Joe Bowcutt asked if the elevation prior the sewer would not have worked.

Paul Blackmore said the sewer would have originally held, the dirt is just extra dirt. As far as the boundary wall there was always a retaining wall there. As far as drainage we have worked extensively to make sure that we've covered our bases. That drainage also dictated the height of the lots.

Assistant City Attorney Victoria Hales counseled that the developer's plans changed between the preliminary plat and the final plat. That's why these questions are before you at the final plat stage. It is perfectly appropriate to ask about the lot layout, dimensions, drainage, and storm water including alignment and grading, and downstream drainage, as well as a grading plan for walls and other design issues. That is found in 11-4-3. The vote today is after your questions have been answered. If answered you may continue or you may ask the developer for more. You can recommend approval, recommend denial, or ask for more information.

Commissioner Don Buehner asked if the motion is to approve or recommend approval.

Assistant City Attorney Victoria Hales said it is to recommend to City Council. All final plats are recommendations to City Council.

Chair Ross Taylor asked why the motion includes authorization for the chair to sign. Is that not approval?

Assistant City Attorney Victoria Hales said that Planning Commission recommends and City Council approves.

Commissioner Diane Adams asked if it is typical to approve a subdivision where the elevation is subject to change after approval. The comment was made that each lot can change the elevation. I assume none higher but I don't know.

Paul Blackmore responded that it happens everywhere. What you're talking about is controlled through the building permit process. In order to obtain a building permit you have to submit a site plan with drainage and grading plans. That review and approval is per staff. Grades can change regardless of where you are.

Chair Ross Taylor addressed the applicant stating he would much rather you put in the fences but I'm honoring your engineer's statements and will let it go. The problem is that this came in piecemeal but I feel we have had an adequate explanation.

Commissioner Todd Staheli asked if the change was brought to us before or after.

Wes Jenkins inserted that the change was walk out basements on three lots and no walk out basements on two lots. Yes the pads have changed and that was a concern but as Paul indicated that approval occurs when drawings are submitted. The change really is 3 walk outs to 1 walk out from the Preliminary Plat to the Final Plat.

Commissioner Don Buehner asked if the developer has the right to change the grade is that something in the purview of Planning Commission.

Assistant City Attorney Victoria Hales replied that the grading plan and drainage is in your purview. Retaining walls and other design issues are also in your purview.

Paul Blackmore added that when we design something, civil engineering is a bit of a blur. There is discovery as you go forward. When in the field you have to modify and accommodate but follow ordinance.

Commissioner Don Buehner said we're dealing with the drainage currently as undeveloped and then when developed. As far as currently at an undeveloped state and because of the amendments how documented does this have to be? Are these things like a 2:1 slope part of the plan?

Wes Jenkins responded that you are just approving the final plat.

Commissioner Todd Staheli asked if the home-owner can change the elevation.

Wes Jenkins responded that this is usually addressed at the preliminary plat stage. They have changed from that and we could have come forward with a preliminary plat amendment.

Commissioner Don Buehner asked if the 2:1 slopes and such that Paul talked about are part of the final plat.

Wes Jenkins said yes, notes on the grading plan and such have to be transferred to the final plat so buyers know.

Commissioner Don Buehner stated that the grading plan is critical to this approval and without that I don't think we should move forward.

Commissioner Diane Adams agreed.

Assistant City Attorney Victoria Hales asked if the revised plan came in today.

Paul Blackmore said yes, the plan did come in today, but it is a summary of what we've discussed in the past few weeks.

Assistant City Attorney Victoria Hales noted that the plan wasn't in our notice to the public.

Paul Blackmore said the notes were with correspondence with staff.

Assistant City Attorney Victoria Hales countered that the Planning Commission is considering an item that wasn't in the agenda.

Paul Blackmore asked if the Commission had the drawings or conditions.

Commissioner Don Buehner said the changes haven't been clear to us and as we get clarity we realize we don't have the information. The process feels incomplete to me. When we recommend for approval it needs to be clear what is going forward.

Commissioner Todd Staheli said the applicant can table it or we can vote on it.

Paul Blackmore asked if the condition on approval is that the changes are made clear to council.

Assistant City Attorney Victoria Hales said you might want a recommendation from the Planning Commission or it's up to the developer to withdraw. What was given to the Planning Commission and public is different from what you're wanting approved.

Paul Blackmore countered that the conditions were always part of the submittal. The haziness is the 2:1 slope and berm which is easy to manage by staff.

Commissioner Don Buehner said there are two issues: the public notice and information that has changed. My issue is just the specifications with drainage and the walls that are non retention.

Wes Jenkins said that the grading plan shown on the power point is the grading plan that we'll go off of. Before the subdivision can be approved it will have to look like this plan. The berms and ponds and slope will have to be in place.

Commissioner Don Buehner said that the Planning Commission doesn't have those specifications.

Wes Jenkins said what you're looking at is a construction drawing. We approve this because it meets City standards. Before recording, the subdivision has to look like the grading plan.

Commissioner Don Buehner noted that when we recommend to City Council for approval it has to be clear. I'm fuzzy because changes require some specifications. Paul explained the drainage fairly well but those specifications are written somewhere but are not available to us as a Planning Commission so I just want to be able to review those because they deal with the changes that have occurred.

Commissioner Don Buehner said he would be willing to review those plans tonight if available.

Commissioner Todd Staheli asked if not having them prior to the meeting would be an issue.

Assistant City Attorney Victoria Hales counseled that you're looking at whether you can condition your recommendations, and that impacts the developers decision, whether he wants time to bring it back if he feels the commission isn't comfortable.

Chair Ross Taylor inserted that our staff know what those conditions are and are confident in them and I feel like if we move forward with a motion with those conditions being forced I feel comfortable with staff knowing what it going on, but if others are not comfortable then make a motion and we'll go from there.

Commissioner Don Buehner added that if the Commission could review the plans tonight it should be okay to move forward.

Paul Blackmore said he has the information with him.

Chair Ross Taylor deferred the item until later in the agenda in order for the applicant to present the Commission with more information.

2. ZONE CHANGES (ZC) - PUBLIC HEARINGS

- A. Consider a zone change from OS (Open Space) to R-1-8 (Single Family Residential 8,000 sq. ft. minimum lot size) on 11.88 acres. The property is located between the end of Marigold Way and 1470 West Street in Bloomington. The project will be referred to as **"Hyde-Berry Park"** The applicant is MW Utah Properties 3, LLC and the representative is Mr. Rob Reid, Rosenberg Associates. Case No. 2014-ZC-011. (Staff – Ray S.).

Ray Snyder presented the following:

Please note that the change is from OS (Open Space) to R-1-10 (Single Family Residential 10,000 sq. ft. minimum lot size). Public noticing and letters were accurate; the only error was on this agenda blurb.

The general plan for this area is low density residential.

If approved there would be a preliminary plat and then final plat. Notices were sent out to neighbors 500' from the proposal and public notices have been posted. The applicant submitted this application a month or so ago and was held until staff received a letter from FEMA (LOMR).

Assistant City Attorney Victoria Hales stepped out at 6:14 pm

The LOMR moves the property out of the flood plain and the developer will raise the area out the plain per their specifications.

An added item before you tonight is from the applicant. There was a letter sent to the neighbors by the applicant and the results of the email showed 15 responses in support of the zone change. The zone change looks to fit the area and FEMA has approved a LOMR. There has been neighbor support and we have not received any calls either way from citizens.

Rob Reid (Rosenberg) we got the floodplain development permit which allowed us to raise the area and submit to FEMA and now that we have the LOMR we're proceeding with the zone change

Chair Ross Taylor opened the item to the public.

Gordan Aire – 1292 Baneberry

Some history of this area – when I purchased my home 17 years ago new there had to be a long term plan in the works because I was surrounded by dead end streets. When I purchased Baneberry was developed but no one was on the south. We had some drainage issues and presented to the engineers and they put in an 18" pipe to take the drainage out to the river. Winegar started a sub

Assistant City Attorney Victoria Hales returned at 6:20 pm

North side of Baneberry, I understand that there will be expansion. I'm here in support of this. Progress is good. The homes going there will solve another problem. During the 100 year storm we get a little lake so this will be good. The change from OS to R-1-10 should have been known by all of us long ago.

Reid Gilgin – south side of Baneberry – I did receive the email looking for support however I do know that several neighbors did not get that email and would have had some negative responses. We were told that no one would build behind because it was a flood

Assistant City Attorney Victoria Hales stepped out at 6:23 pm

We've had a great view of the mountains and now Sun River and a horse pasture. I like the horses and openness but I'm torn having the view gone but horses gone. I know the building will be quality and increase my value but we're going to lose view. My feelings are mixed.

Assistant City Attorney Victoria Hales returned at 6:25 pm

William R Endsley – I live on Marigold. We moved in 2000 when we were flood plain. We had Rosenberg come out and measure so FEMA didn't charge the full amount for flood insurance. Both my neighbors have been flooded but mine was high enough. The flood doesn't really come down the river it comes down the golf course and Marigold. We don't have retaining walls to prevent that. My question is what happens to my location and my neighbors. We also have property behind that goes to river's edge. The builder wanted possession of that but my neighbor didn't want to sell. What will happen to that when we sell eventually? Will this increase value and my taxes? I want to know what will happen to the 5 homes on the south side of Marigold. Will they be beneath Baneberry and their new homes? I'm impressed that things don't go by very quickly and that you ask questions to make sure home owners don't get stuck by the developer

Janene Eiler – I didn't get the email – I'm concerned with the floodplain area as well. My house is higher so it won't necessarily affect me but the flood did go into that park so we want don't someone who buys to get flooded.

Greg Eiler – end of 1470. I have had nothing but a negative reaction to the developer. We didn't get email and I would have loved to have it and respond. They have not been very proactive. They have been negative with the street of 1470 with mud and dirt brought into the area. Flooding is not our issue because we have retaining walls and such but if you look at Mesquite and the building on the landfill and if you look at north Salt Lake landslide, who is left responsible? The homeowner? People coming into this area at a later day will have no idea and we need to consider them.

Heidi Chant – 1343 Baneberry. We built 12 years ago. I love the horses. We were told it's a flood plain and have seen it rain. I'm sorry to see it developed but I realize this is how it goes. We are higher up and brought in boulders to shore up the dirt. I am concerned about the flooding. They started in the spring and stopped in June. I did notice that with their digging they dug trenches and brought in boulders that under dirt. Now there is a very large pond there. Is that underground water coming up? Is it coming from the river? When the developer came in Feb he gave us a handout with the design of the homes. I have concerns how big they will be when my home is tiny. The communication isn't very good. There are some drainage issues and we don't know where all the lines go. I can smell the sewer. I hope this takes a bit longer through the City to investigate and so the neighbors can know. I think we need more information.

Gary Stolts – 1361 Baneberry

We bought in 2004 and in January of 2005 I saw water less than 100' from my property line. I also did not get the email. It seems like the work that was done out there may not be enough. It doesn't seem like what they have done has sufficiently addressed the problem.

Chair Ross Taylor asked when the rip rap was installed.

Commissioner Todd Staheli said it was installed in 2005 after the major storm.

Rob Reid said the 2005 floods brought water into that area because the Santa Clara was so laden with sediment. Since then the channel has been widened. In 2010 the river was scoured and lowered the bottom which has allowed some of these other subdivisions like Baneberry. There is flooding that

comes down the Bloomington Wash that comes to Marigold but that's not part of this property. That area was not part of this study. It did bring homes that were in the floodplain out.

Chair Ross Taylor asked if the LOMR was from the scouring.

Rob Reid said it was a combination of 2005 and 2010.

Commissioner Diane Adams asked if it requires elevation.

Rob Reid said the City requires 2' above base. We've done the minimum in order to get the LOMR, to stay out of the plain we'll go to 2'.

Commissioner Diane Adams asked if there is a natural spring there.

Rob Reid replied that there's ground water and because we're so close to the river the ground water isn't very deep. Right now this is only a zone change.

Tiffany Nelson inserted that the water is there on purpose. We raised the elevation during the summer and neighbors were complaining about the water so they purposely dug below to collect the ground water and storm water.

Hayden Chant – We have a pool and when the wind blows the pool is pretty bad but that's life. I never saw water trucks close to us. If they had used water trucks I didn't see any. There hasn't been anything done out there since June. We need more communication.

Greg Eiler – the fire hydrant adjacent to us is the one they used to control the dust and such. They dug the holes and tried to use that and it didn't work at all. They park their equipment east of my property and I couldn't see their equipment because of the dust. Since July there has been nothing done for the dust. They don't use the fire hydrant by me anymore so I don't know what water they are using now. They haven't done a good job controlling the dirt.

Ray Snyder reminded all that tonight is a zone change and then they will come back with the preliminary plat and final plat. If those are approved then they will go through a site plan review process. The only issue tonight was that FEMA has looked at it and if elevated it could be developed.

Chair Ross Taylor closed the public hearing.

Assistant City Attorney Victoria Hales added that the zone change goes with land so any owner can use the land for the designated use.

MOTION: Commissioner Julie Hullinger made a motion to approve 2A and include staff comments.

DISCUSSION ON THE MOTION:

Commissioner Don Buehner asked if the recommendation was for approval.

Commissioner Julie Hullinger said yes it was.

Commissioner Don Buehner asked that a reason why could be stated to the council. I agree with you.

Commissioner Julie Hullinger stated that I include staff comments and legal.

Chair Ross Taylor added that land use law states that the right of the property owner to have what is requested if they meet the necessary criteria. They have the LOMR so it can be developed and is no longer impacted by the flood plain. There is no particular reason they don't meet the criteria.

SECONDED: Commissioner Diane Adams seconded the motion.

AYES (6)

Commissioner Ro Wilkinson

Commissioner Don Buehner

Chair Ross Taylor

Commissioner Diane Adams

Commissioner Julie Hullinger

Commissioner Todd Staheli

NAYS (0)

Motion passes.

- B. Consider a zone change from RE-20 (Residential Estate 20,000 sq. ft. minimum lot size) to R-1-10 (Single Family Residential 10,000 sq. ft. minimum lot size) on 5.047 acres. The property is located between **Tuweap Drive and 2100 West Street** (at the intersection of 2100 West and 1860 North Street). The applicant is New Trend Construction and the representative is Mr. Tim Kenney. Case No. 2014-ZC-014. (Staff – Ray S.).

Ray Snyder presented the following:

I talked to the engineer representing this who had to leave the meeting. She (Brandee Walker, Bush & Gudgell) left me her comments. The general plan does support LDR there. There was a pond there that was 3' deep. Brandee said the home will be torn down, the dried up pond will be filled, and they will clean up the area.

Commissioner Ro Wilkinson asked where the water is coming for the pond.

Ray Snyder stated that he had a little well or something he put there; it was man made. If there are concerns about drainage or water they will look at it for the civil plans. Staff has no issues or comments. This will be a good project for the area.

Chair Ross Taylor opened the item to the public.

Tenille Ewing – my family owns property north of this. We just want the zoning consistent with what is already there.

Chair Ross Taylor closed the public hearing.

Commissioner Don Buehner asked what the surrounding zoning is.

Ray Snyder responded that the general plan is low density residential which is no more than 4 units per acre. The zoning around them varies. There is R-1-8 and R-1-10.

Chair Ross Taylor asked if this is the Fridel property. It's growing around there so it seems like a reasonable fit.

Assistant City Attorney Victoria Hales reminded the Commission that zoning runs with the land.

MOTION: Commissioner Todd Staheli made a motion to approve 2b from RE-20 to R-1-10 including legal's comments.

SECONDED: Commissioner Julie Hullinger seconded the motion.

AYES (6)

Commissioner Ro Wilkinson

Commissioner Don Buehner
Chair Ross Taylor
Commissioner Diane Adams
Commissioner Julie Hullinger
Commissioner Todd Staheli
NAYS (0)
Motion carries.

3. **SUBDIVISION ORDINANCE AMENDMENT (ZRA) – PUBLIC HEARING**

Consider approval of a proposed amendment to the City Subdivision Regulations, Section 11-5-4.C.3 to allow a five foot (5') landscape and utility strip between the sidewalk and wall where additional road right-of-way and a **deceleration / acceleration lane** is provided at the request of the City. Case No. 2014-ZRA-006 (Staff Bob N.)

Bob Nicholson presented the following:

By practice for the last year or so we have been allowing this. The decel lane is a system improvement. We ask for the decel lanes to improve traffic flow. That lane is somewhere between 10-12' wide. We allow the landscape strip to be narrowed to 5'. The 5' is wide enough for a row of trees. The proposed amendment to the City Subdivision Ordinance, Section 11-5-4:C.3 is to allow for a 5' wide utility and landscape strip between the sidewalk and privacy wall where additional road right of way and a decel/accel lane is provided at the request of the City:

*"Where double frontage lots are platted, a six foot (6') high solid masonry wall shall be constructed along the public road for a privacy and noise screen. All walls shall comply with the standards set forth in Title 10, Chapter 18 of this code. The city may approve modifications to the masonry wall to allow for architectural elements such as wrought iron within sections of the wall. The privacy wall shall be set back from the sidewalk a minimum of ten feet (10') in order to provide access to and utilization of the utility easement and a landscape area for the planting of shrubs and trees. **Where the developer provides both additional public right-of-way and a deceleration / acceleration lane at the request of the city, the utility-landscape strip may be reduced to five (5) feet for the length of the additional deceleration / acceleration lane.**"*

Chair Ross Taylor asked if this also reduces the easement.

Bob Nicholson responded it does, but utilities on these are typically from the front of the lot. We've been doing this for some time so we need to have it on the books.

Councilman Joe Bowcutt clarified that this is only at the City's request and not a builder's discretion.

Bob Nicholson said if they want to improve the right of way and landscape we will encourage it.

Councilman Joe Bowcutt asked if he is not requested to do it and we want him to, he still has to go 10'?

Bob Nicholson clarified that we'll typically require it. It only applies on arterial streets where you need a deceleration lane.

Chair Ross Taylor opened the item to the public.

Chair Ross Taylor closed the public hearing.

MOTION: Commissioner Diane Adams made a motion to recommend approval of Item 3 per staff comments.

SECONDED: Commissioner Ro Wilkinson seconded the motion.

AYES (6)

Commissioner Ro Wilkinson

Commissioner Don Buehner

Chair Ross Taylor

Commissioner Diane Adams

Commissioner Julie Hullinger

Commissioner Todd Staheli

NAYS (0)

Motion carries.

Assistant City Attorney Victoria Hales stepped out at 7:06 pm

4. **REVISED SITE PLAN (BDCSP)**

Consider proposed revised changes to the BDCSP (Building Design Conceptual Site Plan) for “**Joule Plaza**” by the developer. The changes include: revised building design, 17 additional units, 40 additional parking spaces, approval for certain uses to be considered as commercial uses. Located between 200 West and 300 West Streets on the south side of Tabernacle Street. Case No. 2014-BDCSP-005 (Staff Bob N.)

***Assistant City Attorney Victoria Hales returned at 7:07 pm
Legends of Cactus Flats information was distributed***

Bob Nicholson presented the following:

BLDG A, B, and C have not changed, the design is the same. The change is that there was underground parking. The water table is high so they now want a two level parking structure that is .5 level below grade and 1.5 above grade which would be 9' above the finished grade. The parking will be on the south side with trees. There is also parking that goes through the middle (north/south) with the new 17 units proposed.

Commissioner Ro Wilkinson recused herself from the item.

Chair Ross Taylor stated that the building letters don't correlate to the previous plan.

Bob Nicholson noted they did rename the buildings. The three main buildings are the same height.

Councilman Joe Bowcutt asked if the building height is the same for the parking structure.

Bob Nicholson said yes. The original three buildings heights have not changed. There is now the building in the middle with parking and residence (bldg C). Previously we granted 1.5 parking ratio and waived the guest parking. The other thing I wanted to point out is the proposed commercial uses on the ground floor. As long as they are commercial and open to the public they are legitimate uses. They propose storage rental closets. That designation is not listed in our code. The traditional storage unit is the one with a roll up door that you access from

outside. They propose interior hallways. Tenants can rent as well as any other business. That is up to your interpretation if this is allowed or not. They'll have a fitness facility that we approved conditioned that it is open to the public. We say that because in the mixed use they have to have half of the ground floor as a commercial use. If you look at the South Elevation you'll see the row of trees which is the view from 100 S. They'll see the trees and then parking structure is only 9' out of ground. The parking shouldn't be too intrusive. The parking is brown stucco with stone and brick accents.

Wes Davis – as far as the storage – they are ground level. We want them on 300 the main level and then the far southeast corner at 1,100 square feet. Someone from the outside of the building wouldn't know they were even there. You would come in through a professional door and there would be closets with auto lights.

Bob Nicholson added that there are pictures in the packet as an example from Bountiful. Commissioner Todd Staheli asked if dollies will be available.

Wes Davis said that was doubtful as they are damaging to the carpet. It will be a small hallway you can access in and out.

Assistant City Attorney Victoria Hales asked if the storage facility is staffed.

Wes Davis responded there will be an onsite property manager.

Assistant City Attorney Victoria Hales asked if it is like a business. Is there a person behind this door?

Wes Davis said there would be a 3rd party manager.

Commissioner Diane Adams asked how you get into the storage facility and if it is open to anyone.

Wes Davis noted that the facility is open 24/7 with secured access to anyone.

Commissioner Diane Adams asked what the mix of new units would be.

Wes Davis explained there would be 8-9 one bedroom units and the rest are two bedroom units. We also went above and beyond with the parking and gave more than required. Also, Bldg A does still have underground parking.

Commissioner Todd Staheli asked if the parking behind is public as well or just for the tenants.

Wes Davis stated it is all private parking.

Commissioner Todd Staheli noted that Main Street is open to the public.

Wes Davis said that is up to consideration. We're hoping for an RDA or CDA and it would be nice to do something similar to that.

Councilman Joe Bowcutt asked how the parking available behind the houses at 100 South has changed.

Wes Davis said it's been brought out. It is partially below grade and then above grade.

Councilman Joe Bowcutt asked what the total height is.

Wes Davis said it will be 9' from grade.

Randy Wilkinson said the site line of the neighbors will be very little, maybe just the tops of the cars.

Wes Davis added that we're still 10' from the property line.

Commissioner Todd Staheli asked if the parking 10' from the property line.

Wes Davis said yes and then the landscaping is there.

Randy Wilkinson said we've left that the same as before and will put in landscaping to help screen.

Commissioner Todd Staheli asked if this should this have been a public hearing item.

Bob Nicholson said no, before was the CUP for the height. That has not changed and the added parking structure is not too high.

Assistant City Attorney Victoria Hales said they are coming back and it requires the same considerations – building design, the information in the mixed use ordinance, density, the design of parking, views of parking and materials as well as the possible storage units to meet their commercial requirement can all be considered. You're looking at density, parking, design, and use.

Bob Nicholson stated that we didn't go into much detail because the materials have not changed for the three main buildings. The parking has been clarified as stucco over the concrete, the main is brick stucco, hardy siding. Do you want that refreshed?

Chair Ross Taylor said the applicant needs to explain the parking.

Bob Nicholson explained that the parking garage will be concrete with brown stucco with stone and brick accent.

Ben Rogers added that the materials are consistent with the previous materials board.

Assistant City Attorney Victoria Hales asked if there is a picture of the parking structure in the packet.

Ben Rogers said the renderings are on the elevations.

Bob Nicholson said the headlights will not carry onto the neighbor's property.

Commissioner Todd Staheli asked how many storage units are proposed.

Ben Rogers noted there would be 20 to 30 as part of the commercial space.

Ray brought the materials board from the previous submittal

Assistant City Attorney Victoria Hales reminded the Commissioners they are considering all details: density, parking, aesthetics, design. It is a complete review of the project, as well as the elevations. All those things that are changes can go through the process again. Tonight: parking, density from 33 to 37 units per acre, the parking did account for that plus a few extra, as well as the parking structures and it appears there is one elevation that shows you a partial view of that structure, as well as the commercial use determination that may raise questions.

Commissioner Diane Adams asked if the storage closets were not approved, would you still meet your commercial area requirement.

Ben Rogers clarified that we're not asking for a change in commercial space we want an option to provide closets as part of our commercial requirement to our residents as well as to others. We don't want a change in commercial area just the opportunity to provide a different service.

Commissioner Diane Adams noted that if I lived in a building I would not want a storage open to the public 24 x 7 in my building.

Ben Rogers said it would be more like a commercial suite.

Commissioner Diane Adams asked if each closet renter would have a rental agreement.

Ben Rogers said yes and added that each unit is secure in its own suite. Patrons would have access to just the suite not to the residential area. It's an interior hallway but they can enter from the exterior as well and will have secured access. The residents outside the area have limited access to the interior corridor.

MOTION: Commissioner Julie Hullinger made a motion to recommend approval of Item 4 considering the increased density is small and the parking has been increased, that aesthetically

it will stay the same, the parking garage is okay and is not that visible to the existing residences, and I'm okay with the commercial use as long as it is secured.

DISCUSSION ON THE MOTION:

Commissioner Don Buehner asked if the use was specific to the storage closets.

Commissioner Julie Hullinger said yes.

SECONDED: Commissioner Don Buehner seconded the motion.

AYES (5)

Commissioner Don Buehner

Chair Ross Taylor

Commissioner Diane Adams

Commissioner Julie Hullinger

Commissioner Todd Staheli

NAYS(0)

RECUSED (1)

Commissioner Ro Wilkinson

Motion carries.

Assistant City Attorney Victoria Hales advised that a five minute recess be held to review the material presented for Legends of Cactus Flats. The notice issue has been reviewed and what was published is adequate regardless of the new information.

Chair Ross Taylor called for a 5 minutes recess at 7:44 pm
The meeting resumed at 7:50 pm

Discussion on Legends of Cactus Flats

Commissioner Don Buehner said what was submitted is great. I've looked over it and you have documented what we discussed. I'm content.

Paul Blackmore inserted that Wes Jenkins and I wrote this all down so things couldn't fall through the cracks. We want something that we can both review and make sure everything is done.

Commissioner Don Buehner noted that this documents the actual grading.

Paul Blackmore replied that the document outlines the grading and the adjustments for pads for back fill, and the berm, and that no soil can touch the other walls.

Assistant City Attorney Victoria Hales noted that per code 11-4-3 and 11-4-4 approval does not constitute full approval of the development as additional requirements may be imposed that are a result of more detailed and thorough review of all plans, specifications, reports or investigations.

This item can be recommended for approval, denial, or conditions. Some conditions discussed are that the plat contain a note about the wall ordinance and drainage plan standard.

MOTION: Commissioner Don Buehner made a motion to recommend approval of Final Plat 1E Legends of Cactus Flat with the notes that have been entered on the slope and drainage and documents as stated for the sale of the lots and with the note that we appreciate the developer and engineer working with the neighbors as the drainage issues come up.

DISCUSSION ON THE MOTION:

Assistant City Attorney Victoria Hales asked if the wall note was to be included.
Commissioner Don Buehner said yes and the wall note as well.
Commissioner Diane Adams asked what the wall was.
Assistant City Attorney Victoria Hales clarified that the wall note pertains to the wall ordinance. It reminds buyers what the ordinance is as far as the retaining wall and privacy wall options.
Commissioner Don Buehner asked if that informs the purchaser.
Assistant City Attorney Victoria Hales said yes.
Commissioner Todd Staheli asked that if the plans change would the developer have to come back to the Planning Commission.
Assistant City Attorney Victoria Hales said no, changes would be addressed at the engineering stage.
SECONDED: Commissioner Todd Staheli seconded the motion.
AYES (6)
Commissioner Ro Wilkinson
Commissioner Don Buehner
Chair Ross Taylor
Commissioner Diane Adams
Commissioner Julie Hullinger
Commissioner Todd Staheli
NAYS (0)
Motion passes.

5. **TRAINING**

Training and discussion to cover Title 10 Chapter 8 "Planned Development Zone."

Training from this meeting will be postponed.

ADJOURN

MOTION: Commissioner Don Buehner made a motion to adjourn.
SECONDED: Commissioner Diane Adams seconded the motion.
AYES (6)
Commissioner Ro Wilkinson
Commissioner Don Buehner
Chair Ross Taylor
Commissioner Diane Adams
Commissioner Julie Hullinger
Commissioner Todd Staheli
NAYS (0)
Meeting adjourned at 7:57 pm.